

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

**LOCAL RULES OF THE
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CIVIL RULES**

(Promulgation Order No. 06-006-02, Eff. June 1, 2007)

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SOURCE: The Judicial Council on Nov. 28, 1989 adopted the Local Rules of the Superior Court of Guam which went into effect on May, 3, 1990 through legislative inaction. The Supreme Court of Guam through its authority under 48 U.S.C.A. §1424-1(a)(6) repealed the pre-existing Local Rules of the Superior Court and adopted new Local Rules of the Superior Court pursuant to Prom. Order No. 06-006-01 (May 3, 2007). Revised and amended by Prom. Order No. 06-006-002 (May 31, 2007), effective June 1, 2007.

CIVIL RULES

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CVR 1.1. Scope.

The provisions of the Civil Rules (hereinafter “CVR”) shall apply to all civil actions, domestic actions, special proceedings, and other proceedings not including criminal and juvenile, except where they may be inconsistent with rules or provisions of law specifically applicable thereto.

CVR 4.1. Summons and Complaint.

The issuance of a summons and the service of a summons and complaint are governed by Rule (4) of the Guam Rules of Civil Procedure.

CVR 5.1. Service and Filing of Other Documents Subsequent to Complaint.

All documents after the complaint required to be served and filed pursuant to Rule 5 of the Guam Rules of Civil Procedure shall be

- (a) served on all parties to the action in accordance with GRCP Rule 5; and
- (b) filed with the Court either before service or within a reasonable time after service.

CVR 5.2. Representation of Service.

When a member of the Bar of this Court applies to the clerk for the entry of a default, or of a default judgment, or for the certification of the record on appeal, or applies to the Court for an order or judgment, such application is a representation that due service has been made of all pleadings or papers required by the Guam Rules of Civil Procedure to be made a condition to the relief sought, and for which no acknowledgment or affidavit of service is on file. No other proof of service is required unless an adverse party raises a question of due notice.

CVR 6.1. Time Computation.

Guam Rule of Civil Procedure 6(a) controls the manner for computing any period of time prescribed or allowed by these Rules.

CVR 7.1. Motion Practice.

(a) Applicability. The provisions of this Rule shall apply to motions, applications, petitions, orders to show cause, and all other proceedings except a trial on the merits, matters arising in civil cases assigned to the Master Calendar, and applications for a temporary restraining order, unless otherwise ordered by the court or provided by statute, the Guam Rules of Civil Procedure or the Local Rules of the Superior Court of Guam.

(b) Service of Motion and Accompanying Papers. Every motion shall be presented in writing. The motion papers shall be served on each of the parties in accordance with Guam Rule of Civil Procedure Rule 5.

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(c) Moving Papers. There shall be filed and served:

- (1) A Notice of Motion and Motion using CVR 7.1 FORM 1;
- (2) a memorandum in support thereof containing the points and authorities upon which the moving party relies, including citations; and
- (3) any affidavits or declarations under penalty of perjury sufficient to support any material factual contentions permitted by the Guam Rules of Civil Procedure.

(d) Opposition and Reply.

(1) The opposing party may within twenty-eight (28) days of the filing of the motion, file with the clerk and serve upon all parties an opposition containing:

- (A) a memorandum in support thereof containing the points and authorities upon which the opposing party relies, including citations;
- (B) if desired, the evidence upon which the opposing party relies; and
- (C) any affidavits or declarations under penalty of perjury permitted by the Guam Rules of Civil Procedure.

(2) The moving party may, within forty-two (42) days from the filing of the motion, file and serve a reply to the opposing party's opposition.

(3) The parties may, by stipulation filed with the court and without further order of the court, extend the time for filing an opposition by not more than seven (7) days and/or a reply, if any, by not more than seven (7) days.

(e) Oral Argument.

(1) Oral Argument Not Automatic. Oral argument may be denied in the discretion of the judge, except where oral argument is required by statute or the Guam Rules of Civil Procedure.

(2) Any party may, but is not required to, either request oral argument or submit a statement that the party represents that oral argument is not necessary by either indicating such on the notice of motion submitted pursuant to CVR 7.1(c)(1) or by filing CVR 7.1 FORM 2, "Statement Re: Oral Argument on Pending Motion" making the request or stating that oral argument is not necessary, and specifying the motion on which oral argument is sought, or waived, within seven (7) days after the date the last paper on that motion is filed, or the time for filing has elapsed.

(A) A request for oral argument which includes an agreed upon recommended hearing date is not subject to withdrawal except by stipulation of all parties.

(B) In the request for oral argument, the parties may, but are not required to, designate a date for oral argument. The court shall not be bound by this date in scheduling a date for oral argument, if it decides that oral argument shall be had.

(C) The court will set the date and time for argument or determine that oral argument is not necessary and will notify the parties using CVR 7.1 FORM 3. If the

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date and time for oral argument are changed by the court, the court shall notify the parties using CVR 7.1 FORM 3.

(D) The court, in the exercise of its discretion, regardless of whether oral argument has been requested or whether statements have been submitted suggesting that oral argument may not be necessary, may:

- (i) order oral argument; or
- (ii) determine that argument is unnecessary.

(3) A party seeking oral argument that does not file a timely Rule 7.1(e)(2) Statement requesting oral argument shall be deemed to have waived any request for oral argument. The court may, in its discretion, consider an untimely Rule 7.1(e)(2) Statement requesting oral argument upon a showing of good cause.

(4) The filing of a CVR 7.1 FORM 2 Statement Re: Oral Argument for Pending Motion is entirely discretionary on the part of the parties and a motion shall not be granted, denied, dismissed or sanctions issued on the basis of the failure of a party or parties to file the Statement.

(5) Court's Cancellation of Oral Argument. Any oral argument may be taken off calendar by Order of the court, in the discretion of the court, and a decision rendered on the basis of the written materials on file.

(6) Motion Under Advisement. For time standard purposes pursuant to Administrative Rule 06-001, a motion will be treated as under advisement after:

(A) the time for filing an opposition has elapsed, no opposition has been filed, and the court has not scheduled the matter for oral argument;

(B) an opposition has been filed, a reply has been filed or the time for filing a reply has elapsed, no request for oral argument has been made within the time allowed, and the court has not scheduled the matter for oral argument within thirty (30) days;

(C) an opposition has been filed, a reply has been filed or the time for filing a reply has elapsed, a request for oral argument has been made and such request has been denied, or not acted on by the court within thirty (30) days;

(D) oral argument has concluded;

(E) the judge has indicated through the filing and service of CVR 7.1 FORM 3 that no oral argument will be held on the motion; or

(F) 120 days after the filing of the motion, if such date is earlier than the periods set forth in CVR 7.1(e)(6)(A)-(E).

(f) Failure to File Required Papers. Papers not timely filed by a party including any memoranda or other papers required to be filed under this Rule shall not be considered without leave of court.

(g) Length of Briefs and Memoranda. Each party may submit briefs or memoranda in support of or in opposition to any pending motion which shall not exceed a total of twenty (20) pages in length without leave of court to file additional pages. The moving party may submit a

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reply brief or memoranda not in excess of ten (10) pages without leave of court. Any disclosure statement, table of contents, table of authorities, addendum, declarations or affidavits, or exhibits, do not count toward the page limitation. All briefs and memoranda in excess of twenty (20) pages for which leave to file has been granted shall contain a table of authorities cited and table of contents.

(h) Advance Notice of Withdrawal or Non-Opposition; Continuances.

(1) Any moving party who does not intend to press the motion or who intends to withdraw the motion, or any opposing party who does not intend to oppose the motion, shall, not later than seven (7) days after the date the last paper on that motion is filed, or the time for filing has elapsed, file and serve a notice of withdrawal or non-opposition.

(2) A party who intends to request for a continuance of a hearing set by the court shall, not later than five (5) working days preceding the oral argument date, file and serve a request for continuance.

(3) Absent good cause shown, a deadline fixed by or pursuant to these rules will not be extended.

(i) Motion for Reconsideration. A motion for reconsideration of the decision on any motion may be made only on the grounds of

(1) a material difference in fact or law from that presented to the Court before such decision that in the exercise of reasonable diligence could not have been known to the party moving for reconsideration at the time of such decision, or,

(2) the emergence of new material facts or a change of law occurring after the time of such decision, or,

(3) a manifest showing of a failure to consider material facts presented to the Court before such decision.

No motion for reconsideration shall in any manner repeat any oral or written argument made in support of or in opposition to the original motion.

(j) Applications for Orders Shortening Time.

(1) When it is necessary for a matter to be heard earlier than the time permitted or required by these Civil Rules of Court or the Guam Rules of Civil Procedure, the party who desires to shorten time shall file a separate application for an order shortening time using CVR 7.1 FORM 4 “Application to Shorten Time; Order.”

(2) Applications for an order to shorten time shall include the following information:

(A) The reasons why it is necessary to shorten time;

(B) That the opposing parties have been given notice of the application to shorten time, or if there is no opposing party, that all notices have been given as required by law; and

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(C) Whether the opposing (or interested) parties agree to shorten time on the matter, or the reasons why an agreement on the application to shorten time could not be obtained.

(3) A separate CVR 7.1 Form 1 “Notice of Motion and Motion” is not required to accompany the CVR 7.1 Form 4 “Application to Shorten Time; Order.” However, a CVR 7.1 Form 1 “Notice of Motion and Motion” is required to accompany the motion on which the party desires time to be shortened.

(4) If the Court grants the application to shorten time and sets a shortened briefing schedule, such briefing schedule supersedes any schedule listed in the party’s CVR 7.1 FORM 1 “Notice of Motion and Motion.”

(5) When the application is made ex parte, the moving party shall file its application using the CVR 7.1 FORM 5 “Application for Ex Parte Relief; Order.”

(6) Pursuant to CVR 7.1(j)(2), if the party fails to provide either notice to the opposing/interested parties or sufficient justification for shortening time, the judge, in his or her discretion, may deny the application to shorten time and may schedule the underlying matter for a hearing as provided in these Civil Rules of Court or the Guam Rules of Civil Procedure.

(A) Applications for orders shortening time shall be granted or denied by the judge as soon as reasonably practicable under the circumstances.

(B) The judge need not hold a hearing on the application to shorten time.

(k) Ex Parte Applications. .

(1) The following rules shall apply to all applications seeking ex parte relief based on the party’s personal knowledge of a lawful basis for granting relief ex parte, not including Family Violence Orders of Protection, governed by Miscellaneous Rules 2.1 through 2.1.10, except where those Rules or any Civil Rules of Court explicitly provide otherwise.

(2) All applications for ex parte relief shall be in writing and shall be filed using a CVR 7.1 FORM 5 “Application for Ex Parte Relief; Order” which shall include, or attach, the following:

(A) The case caption and the relief requested.

(B) A memorandum in support of the underlying relief requested containing the points and authorities upon which the moving party relies, including citations.

(C) A statement regarding the reasons ex parte relief is necessary which explains that, for reasons specified, the applicant should not be required to inform the opposing

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party, or if there is no opposing party, that any other notice as required by law should be waived.

(D) A statement indicating whether or not the party believes it is necessary for the matter to be heard on an expedited basis or earlier than the regular time permitted or required by these Civil Rules of Court or the Guam Rules of Civil Procedure. If the party believes it is necessary for the matter to be heard on an expedited basis, the party shall state the reasons therefore.

(E) A proposed order granting the underlying relief requested. The proposed order shall bear the signature of the attorney presenting it preceded by the words, “presented by” on the left side of the last page.

(3) A separate CVR 7.1 Form 1 “Notice of Motion and Motion” is not required to accompany the CVR 7.1 Form 5 “Application for Ex Parte Relief; Order.”

(4) All applications for ex parte relief shall be heard by the judge assigned to the case unless the judge is unavailable.

(A) Pursuant to CVR 7.1(k)(2)(C), if the moving party fails to provide sufficient justification to support waiver of the notice to the opposing party, or if there is no opposing party, any other notice as required by law, the judge, in his or her discretion, may decline to hear the matter ex parte.

(B) If the judge declines to hear the matter ex parte, the Court may schedule the underlying matter for a hearing. In such case, the moving party shall serve the notice of hearing on the opposing party, or if there is no opposing party, shall provide any other notice as required by law.

(C) The judge, in his or her discretion, may decline to hear the matter on an expedited basis or earlier than the regular time permitted or required by these Civil Rules of Court or the Guam Rules of Civil Procedure. If the judge declines to hear the matter on an expedited basis and has declined to hear the matter ex parte, the moving party shall serve the notice of hearing on the opposing party, or if there is no opposing party, shall provide any other notice as required by law.

SOURCE: Adopted Nov. 28, 1989 by the Judicial Council which became effective on May, 3, 1990 through legislative inaction. The Supreme Court of Guam through its authority under 48 U.S.C.A. §1424-1(a)(6) adopted new Local Rules of the Superior Court pursuant to Prom. Order No. 06-006-01 (May 3, 2007), revised and amended by Prom. Order No. 06-006-002 (May 31, 2007). Amended by Prom. Order No. 06-006-14 (Feb. 26, 2013), effective Mar. 1, 2013, and Prom Order No. 06-006-18 (July 18, 2022), effective Aug. 1, 2022.

2022 COMPILER NOTE: According to the Subcommittee on Rules of Civil Procedure: 1) the amendment of subsection (j) and adoption of CVR Form 4 clarifies the necessary procedural steps to file an application for an order shortening time in circumstances that do not require an ex parte motion; and 2) the adoption of new language in subsection (k) and CVR Form 5 clarifies the procedure an applicant must comply with in filing an ex parte motion.

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CVR 7.1.1. Ex Parte Applications.

SOURCE: Adopted by Prom. Order No. PRM 06-006-01 (May 3, 2007). Revised and amended by Prom. Order No. 06-006-02 (May 31, 2007). Repealed by Prom. Order No. PRM 06-06-18 (July 18, 2022).

2022 COMPILER NOTE: The adoption of CVR 7.1(k) pursuant to Prom. Order No. PRM 06-06-18 (July 18, 2022) effectively repealed this rule, which had previously stated:

All applications for ex parte orders shall be heard by the judge assigned to the case unless the judge is unavailable. All other applications for ex parte orders shall be filed by 10:00 AM to be heard at 1:30 PM by the judge designated by the presiding judge as the ex parte judge, unless the ex parte judge in his or her discretion decides otherwise. Applications for ex parte orders shall be accompanied by a memorandum containing the name of counsel for the opposing party, if known, the reasons for the seeking of an ex parte order, and points and authorities in support thereof. There shall also be attached, within a separate cover, the proposed ex parte order. The proposed order shall bear the signature of the attorney presenting it preceded by the words, “presented by” on the left side of the last page.

(a) Declaration of Counsel It shall be the duty of the attorney so applying to file a declaration containing the following:

(1) that a good faith effort has been made to advise counsel for all other parties, if known, or the parties themselves, if counsel is not known, of the date, time and substance of the proposed ex parte application or the reasons supporting the claim that notice should not be required, and

(2) the efforts to contact other counsel or the parties and whether any other counsel or party, after such advice, opposes the application or has requested to be present when the application is presented to the court, and if not filed in accordance with this rule, reasons why the ex parte application has not been timely filed.

(b) Waiver of Notice. If the judge to whom the application is made finds that the interests of justice require that the ex parte application be heard without notice, the judge may waive the notice requirement of subpart (a)(1) of this section.

CVR 10.1. Jurisdiction.

Each complaint, petition, counter-claim and cross-claim shall state in a separate paragraph entitled “jurisdiction” the statutory or other basis for jurisdiction and the facts supporting jurisdiction.

CVR 10.2. Format and Filing.

See General Rule 5.1.

CVR 15.1. Amended Pleadings.

Any party filing or moving to file an amended pleading shall reproduce the entire pleading as amended and may not incorporate any part of a prior pleading by reference except with leave of court.

CVR 16.1. Scheduling Order and Discovery Plan.

(a) Applicability. Unless otherwise ordered, this Rule is applicable to all civil cases pending in the Superior Court of Guam except for the cases exempted by CVR 16.1(b). Counsel are expected to meet and confer as required by Rule 26(f) of the Guam Rules of Civil Procedure

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and CVR 16.2, prior to commencing discovery, unless the Court orders otherwise. Counsel are expected to complete pretrial discovery in the shortest time reasonably possible with the least expense.

(b) Exempt Actions.

(1) The following cases are exempt from compliance with these procedures unless otherwise ordered by the Court:

(A) an action for review on an administrative record;

(B) a petition for habeas corpus or other proceeding to challenge a criminal conviction or sentence;

(C) an action brought without counsel by a person in custody of the United States, a state, territory or a subdivision thereof;

(D) an action to enforce or quash an administrative summons or subpoena;

(E) a proceeding ancillary to proceedings in other courts;

(F) an action to enforce an arbitration award;

(G) a petition for adoption or termination of parental rights;

(H) a proceeding for adult commitment for mental health services;

(I) a petition for annulment;

(J) an action for child support;

(K) an action for collection of money which is uncontested or a default;

(L) an action for divorce uncontested or a default;

(M) a petition for guardian ad litem/settlement for juvenile;

(N) a petition for guardianship of an adult;

(O) a petition for guardianship of a juvenile;

(P) a petition for juvenile (PINS, BC, Drug Court, Delinquency);

(Q) an order to show cause for a name change;

(R) a petition for probate;

(S) an action for a protective order or protective injunction; and

(T) proceedings for writs.

(2) Notwithstanding the exemptions set forth herein, a party may request the Court to exempt them from the requirements of this Rule under appropriate circumstances or for good cause shown.

(c) Meeting of Parties, Proposed Scheduling Order, Proposed Discovery Plan and Order, Status Report and Scheduling Conference.

(1) Meeting of Parties. All parties are directed to confer in accordance with CVR 16.2 and Rule 26(f) of the Guam Rules of Civil Procedure and provide the Court with a

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Scheduling Order and separate Discovery Plan and Order within seventy-five (75) days of the date of the filing of the complaint. The Scheduling Order and Discovery Plan and Order shall be in substantially the same form as CVR 16.1 Forms 2 and 3.

(2) Initial Communication of Parties. It is the responsibility of plaintiff's counsel to initiate the communication necessary to prepare the Scheduling Order and Discovery Plan and Order. In the event that the plaintiff is proceeding pro se, the defendant shall contact the plaintiff and arrange a meeting to comply with this Rule in the appropriate time frame.

(3) Time Limits - Scheduling Notice, Conference, Proposed Scheduling Order, and Proposed Discovery Plan and Order. The Clerk of Court will schedule a Scheduling Conference to be held within ninety (90) days after the complaint is filed. The clerk shall serve, no later than forty (40) days after the complaint has been filed, a Scheduling Notice in the form set forth in CVR 16.1 Form 1 setting forth:

(A) the date on which the Scheduling Order and Discovery Plan and Order shall be filed by the parties, and

(B) the date for the Scheduling Conference.

It is the responsibility of plaintiff's counsel or the pro se plaintiff to serve a copy of the clerk's Scheduling Notice on all parties who may appear after the clerk's issuance of the Notice of Scheduling Conference.

(4) Contents of Proposed Scheduling Order. The Scheduling Order to be submitted by the parties shall contain the following information:

(A) The nature of the case;

(B) The posture of the case including hearings, motions and discovery;

(C) A statement indicating whether the parties agree or disagree with the contents of the Discovery Plan and Order as provided in CVR 16.1 Form 3. If the parties do not agree to the contents of the Discovery Plan and Order:

(i) any modifications of the time for disclosures under Rules 26(a) and 26(e)(1) of the Guam Rules of Civil Procedure;

(ii) a description and schedule of all pretrial discovery each party intends to initiate prior to the close of discovery;

(D) The following dates:

(i) a proposed date limiting the joinder of parties and claims;

(ii) a proposed date limiting the filing of motions to amend the pleadings;

(iii) the assigned date for the required Scheduling Conference with the Judge;

(iv) discovery cut-off dates (defined as the last day to file responses to discovery and to complete depositions);

(v) discovery and dispositive motion cut-off dates (the last day to file motions);

(vi) pretrial conference dates;

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(vii) dates for filing the trial brief, exhibit lists, and witness lists; and

(viii) the trial date, and in no event shall the trial date be later than fifteen (15) months after the complaint is filed, unless the Court otherwise allows;

(E) That counsel have each filed MR 4.1 Form B1 Attorney Certification regarding court-referred mediation as required by Miscellaneous Rule 4.1.6 of the Local Rules of the Superior Court of Guam;

(F) Whether the trial is jury or non-jury;

(G) The number of trial days required;

(H) The names of trial counsel;

(I) Whether the parties desire to submit the case early in the litigation to a settlement conference or engage in alternative dispute resolution;

(J) Suggestions for shortening trial; and

(K) Any other issues affecting the status or management of the case.

(d) Contents of Proposed Discovery Plan and Order. The Discovery Plan shall contain a description, including a schedule, of all pretrial discovery each party intends to initiate prior to the close of discovery, including time and length of discoverable events. The plan shall conform to the obligation to limit discovery under Rule 26(b) of the Guam Rules of Civil Procedure and shall address all matters set forth in Rule 26(f) of the Guam Rules of Civil Procedure.

(e) Non-Appearance of Defendants - Status Report. If on the due date of the Scheduling Order and Discovery Plan and Order, the defendant(s) or respondent(s) have been served and no answer or appearance has been filed, or if service on the defendants has not been effected, counsel for the plaintiff or the pro se plaintiff shall file an independent status report setting forth the above information required in subsections A through K to the extent possible. The report shall also include the current status of the non-appearing parties.

In addition, if service has not been effected, plaintiff's counsel or the pro se plaintiff must set forth the reasons why service has not been effected and what attempts at service have been made.

SOURCE: Adopted by Promulgation Order Nos. 06-006-01 (May 3, 2007) and 06-006-02 (May 31, 2007). Amended by Promulgation Order No. 06-006-16 (July 29, 2014).

CVR 16.2. Meeting of Counsel and Preparation of Proposed Scheduling Order and Proposed Discovery Plan and Order.

(a) Meeting of Counsel or Pro Se Litigants. Within fifteen (15) days after the receipt of the clerk's Scheduling Notice, but no later than sixty (60) days after the filing of the complaint, counsel of record and all pro se litigants shall meet in person for the purposes set forth below:

(1) Documents. To exchange all documents then reasonably available to a party which are contemplated to be used in support of the allegations of the pleading filed by the party. Documents later shown to be reasonably available to a party and not exchanged may be subject to exclusion at the time of trial.

(2) Discovery. To exchange preliminary schedules of discovery; to arrange for the

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disclosures required by CVR 26.2 and Rule 26(a) of the Guam Rules of Civil Procedure; and to discuss all items set forth in Rule 26(f) of the Guam Rules of Civil Procedure.

(3) Other Evidence. To exchange any other evidence then reasonably available to a party to obviate the filing of unnecessary discovery motions.

(4) List of Witnesses. To exchange a list of witnesses then known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. The parties will then be under a continuing obligation to advise the opposing party of other witnesses as they may become known.

(5) Settlement. To discuss the timing and appropriateness of mediation or other forms of alternative dispute resolution.

(6) Complicated Cases. To discuss whether the action is sufficiently complicated so that special procedures need to be adopted to facilitate the management of this action.

(7) Proposed Scheduling Order. To discuss the contents and preparation of the Scheduling Order.

(8) Proposed Discovery Plan and Order. To discuss the contents and preparation of the Discovery Plan.

(b) Preparation of the Proposed Scheduling Order. After the meeting of counsel referred to in CVR 16.2(a) above, plaintiff's counsel, or if plaintiff is pro se, the plaintiff, shall prepare a draft of the Scheduling Order required by this Rule. Plaintiff's draft shall be presented to all parties for amendments and modifications. If all parties do not agree on a Scheduling Order, each party shall sign and file, on the date that the Scheduling Order is due, a statement re: Disagreement of Scheduling Order, stating that the parties have been unable to agree despite good faith efforts to do so. To this statement shall be attached the party's Scheduling Order. If a party disagrees but does not attach a Scheduling Order, that party will be considered to have not taken a position with respect to the dates and matters contained therein.

(c) Preparation of the Proposed Discovery Plan and Order. After the meeting of counsel referred to in CVR 16.2(a) above, the attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for submitting to the Court a Discovery Plan and Order required by this Rule. If all parties do not agree on a Discovery Plan and Order, each party shall sign and file, on the date that the Discovery Plan and Order is due, a statement re: Disagreement of Discovery Plan and Order stating that the parties have been unable to agree despite good faith efforts to do so. To this statement shall be attached the party's Discovery Plan and Order. If a party disagrees but does not attach a Discovery Plan and Order, that party will be considered to have not taken a position with respect to the dates and matters contained therein.

(d) Scheduling Conference and Order. All matters required to be taken care of by the Scheduling Order and the Discovery Plan and Order will be addressed at the Scheduling Conference, after which the final Scheduling Order and Discovery Plan and Order will be entered.

SOURCE: Adopted by Promulgation Order Nos. 06-006-01 (May 3, 2007) and 06-006-02 (May 31, 2007). Amended by Promulgation Order No. 06-006-16 (July 29, 2014).

CVR 16.3. Failure to Cooperate - Sanctions.

The failure of a party or a party's counsel to participate in good faith in the framing of the

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Scheduling Order and the Discovery Plan and Order required by this Rule, and Rules 16(b) and 26(f) of the Guam Rules of Civil Procedure, may result in the imposition of appropriate sanctions. *See* GR 2.1; Guam R. Civ. P. 16(f), 37(g).

SOURCE: Adopted by Promulgation Order Nos. 06-006-01 (May 3, 2007) and 06-006-02 (May 31, 2007). Amended by Promulgation Order No. 06-006-16 (July 29, 2014).

CVR 16.4. Filing of Motions Does Not Excuse Counsel from the Requirements of this Rule.

Absent an order of the court to the contrary, the filing of a motion, including a discovery motion, motion for summary judgment, or a motion to dismiss, will not excuse the parties from complying with this Rule and any Scheduling Order entered in the case.

SOURCE: Adopted by Promulgation Order Nos. 06-006-01 (May 3, 2007) and 06-006-02 (May 31, 2007). Amended by Promulgation Order No. 06-006-16 (July 29, 2014).

CVR 16.5. Extension of Deadlines Fixed in Scheduling Order.

A deadline established by a Scheduling Order may be extended only upon a good cause finding by the Court. The deadline for completion of all discovery will not be extended unless there has been active discovery. Delayed discovery will not justify an extension of discovery deadlines. A motion to extend the deadline in a Scheduling Order must demonstrate a specific need for the requested extension, and should be accompanied by a detailed proposed amendment to the previously entered Scheduling Order. The date for completion of discovery will be extended only if the remaining discovery is specifically described and scheduled, e.g., the names of each remaining deponent and the date, time and place of each remaining deposition. The Court, in its discretion, may order that the client consent in writing to any continuance proposed by counsel.

SOURCE: Adopted by Promulgation Order Nos. 06-006-01 (May 3, 2007) and 06-006-02 (May 31, 2007). Amended by Promulgation Order No. 06-006-16 (July 29, 2014).

CVR 16.6. Settlement Conference.

(a) Settlement Judge. At any time after an action or proceeding has been filed, any party may file a request for a settlement conference. Upon the filing of the request, the Clerk of Court will notify the parties of the name of the judge assigned. Such conference may be held before the judge trying the case, another judge, or a *pro tempore* judge. If the judge trying the case agrees to conduct the conference, a written stipulation by all counsel shall be filed prior to the settlement conference. Unless otherwise ordered by the judge, the settlement conference shall be held no later than twenty-eight (28) days before trial. The parties, and the attorneys primarily responsible for the litigation, are required to attend and be prepared to provide the following:

- (1) Brief description of the substance of the suit, addressing the party's views of the key liability issues and damages and discussing the key evidence;
- (2) Identify the discovery or motions that promise to contribute most to equipping the parties for meaningful settlement negotiations;
- (3) Except to the extent prohibited by applicable laws of privilege, describe the history and current status of any settlement negotiations;
- (4) Provide additional information about any needs, interests or other considerations not described elsewhere in the statement that might be pertinent to settlement; and

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(5) Include copies of documents likely to make settlement more productive or to materially advance settlement prospects.

(6) Each party attending shall have full decision making authority. The judge conducting the settlement conference may excuse a party from personally appearing based on good cause, but the party may be required to participate by telecommunication at the party's expense. For a meaningful settlement conference to occur, all attorneys and parties must participate in good faith. The failure of any person to comply with these rules, appear at, or participate in a settlement conference, unless good cause is shown for any such failure, may result in the trial judge imposing appropriate sanctions in his/her discretion upon motion of the opposing party. Sanctions may include requiring the party, or the attorney representing the party, or both, to pay all reasonable costs, including attorney's fees, of the party appearing for the scheduled session(s).

(7) Settlement conferences shall, in all respects, be privileged proceedings and not reported or recorded. No party is bound by any position taken during a settlement conference unless a settlement is reached. When a settlement has been reached, the judge may, and at the request of any party shall, cause the settlement to be made a matter of record.

(8) If the parties have reached an entire or partial agreement, or have agreed to other matters that promote the prompt and fair disposition of the case, a record of settlement shall be signed and filed by the parties and their attorneys, or placed on the record in open court. If no agreement is reached, the judge shall file a notice of termination of the settlement conference. Unless otherwise ordered by the Court, the filing of a request for judicial settlement conference shall not extend or suspend the dates set in the scheduling order. Judicial time standards shall be tolled during the periods of a conference.

(b) Mediation. At any time after the filing of the Scheduling Order and Discovery Plan the parties may be ordered into mediation under Local Rules of Court by the judge, or they may agree to stipulate to mediation services.

SOURCE: Adopted by Promulgation Order Nos. 06-006-01 (May 3, 2007) and 06-006-02 (May 31, 2007). Amended by Promulgation Order No. 06-006-16 (July 29, 2014).

CVR 26.1. Discovery Documents - Nonfiling and Disclosure.

(a) Nonfiling of Discovery Documents and Proof of Service. The following discovery documents and proofs of service thereof shall not be filed with the clerk until there is a proceeding in which the document or proof of service is in issue:

- (1) Transcripts of depositions upon oral examination;
- (2) Transcripts of depositions upon written questions;
- (3) Interrogatories;
- (4) Answers or objections to interrogatories;
- (5) Requests for the production of documents or to inspect tangible things;

(6) Responses or objections to requests for the production of documents or to inspect tangible things;

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- (7) Requests for admission;
- (8) Responses or objections to requests for admission; and
- (9) Disclosures made under GRCP 26 and CVR 26.2.

When required in a proceeding, only that part of the document which is in issue shall be filed. All such discovery documents shall be held by the attorney pending use pursuant to this Rule for the period specified in Civil Rule 79.1 for the retention of exhibits, unless otherwise ordered by the Court.

(b) Discovery Documents - Disclosure. During the pendency of any civil proceeding, any person may, after written notice is served on all parties to the action, obtain a copy of any deposition or discovery document not on file with the Court upon payment of the expense of the copy and upon

(1) approval by the clerk, if no objection is filed with the clerk by any party to the action within five (5) days after service of such written notice, or

(2) leave of Court, if an objection is filed with the clerk by any party to the action within five (5) days after service of such written notice.

CVR 26.2. Required Disclosure.

The general provisions governed by discovery and the duty of disclosure are set forth in GRCP 26.

(a) A lawyer shall not use any form of discovery, or the scheduling of discovery, as a means of unduly harassing opposing counsel or his or her client.

(b) Requests for production shall not be excessive or designed solely to place a burden on the opposing party.

(c) Lawyers shall, when practical, consult with opposing counsel before scheduling hearings and depositions, in a good faith attempt to avoid scheduling conflicts.

(d) When scheduling hearings and depositions, lawyers shall communicate with opposing counsel in an attempt to schedule them at a mutually agreeable time.

If a request is made to schedule a hearing or deposition, the lawyer to whom the request is made shall confirm that the time is available or advise of a conflict within a reasonable time and suggest an alternate time for the hearing or deposition

CVR 30.1. Depositions.

The original transcript of a deposition shall, unless otherwise stipulated to on the record at the deposition, after signing and correction, or waiver of the same, be sent to the attorney noticing the deposition.

CVR 33.1. Interrogatories and Requests for Admission.

(a) Limitation on Number of Interrogatories and Requests for Admission. No party shall serve more than one set of interrogatories or requests for admission on any other party without leave of court. Interrogatories or requests for admission shall not exceed fifty (50) in number, counting any subparts or subquestions as individual questions. Subparts or subquestions of any

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interrogatory shall relate directly to the subject matter of the interrogatory. Any party desiring to serve additional interrogatories shall submit to the Court a written memorandum setting forth the proposed additional interrogatories or requests for admission and the reasons establishing good cause for their use.

(b) Answers and Objections to Interrogatories and Requests for Admission. The party answering or objecting to interrogatories or requests for admission shall quote each interrogatory or request in full immediately preceding the statement of any answer or objection thereto. Upon request the propounding party shall make reasonable efforts to provide the party answering or objecting to interrogatories or requests for admission with the text of each interrogatory or request in electronic format.

(c) Interrogatories, Requests for Admission and Requests for Production of Documents - Original. The original of the interrogatories, requests for admission or requests for the production of documents or to inspect tangible things served on the opposing party shall be held by the attorney propounding the interrogatories or requests pending use. (See CVR 26.1(a).)

CVR 36.1. Requests for Admission.

See CVR 33.1.

CVR 37.1. Discovery Motions.

(a) Prior to the filing of any motion relating to a discovery dispute, counsel for the parties shall meet or attempt to meet in a good faith effort to eliminate the necessity for hearing the motion or to eliminate as many of the disputes as possible. It shall be the responsibility of counsel for the moving party to arrange for the conference which shall be held within a reasonable time.

(b) If counsel are unable to settle their differences, they shall formulate a written stipulation specifying separately and with particularity each issue that remains to be determined at the hearing.

By way of example only, if the sufficiency of an answer to an interrogatory is in issue, the stipulation shall contain verbatim, both the interrogatory and the allegedly insufficient answer, followed by each party's contentions, separately stated. The stipulation shall be served and filed with the notice of motion. In the absence of such stipulation, or a declaration of counsel of non-cooperation by the opposing party, the Court will not consider any discovery motion unless otherwise ordered upon good cause shown.

(c) Briefing and oral argument of all discovery motions shall be scheduled pursuant to CVR 7.1.

(d) If the discovery disputes are found to be frivolous or based on counsel's failure to cooperate with each other in good faith, sanctions will be imposed at the discretion of the Court.

CVR 41.1. Call of the Docket - Status Hearings.

Status hearings shall be scheduled by the clerk in all cases pending with no action taken in the preceding six (6) months. Notice shall be given in writing to each attorney of record in every case to be called, stating the date and time for such hearing. If good and sufficient reasons are not presented by counsel for failure to have taken appropriate action in any such case, the Court may

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dismiss the action or enter such other order as may be proper.

CVR 51.1. Proposed Jury Instructions, Voir Dire Questions and Verdict Forms.

In jury cases, the parties shall not less than fourteen (14) calendar days prior to the date on which the trial is scheduled to commence, serve and lodge proposed voir dire questions, if desired, and proposed jury instructions and verdict forms.

CVR 52.1. Proposed Findings of Fact and Conclusions of Law.

In non-jury cases, if ordered by the Court, the parties shall not less than fourteen (14) calendar days prior to the date on which the trial is scheduled to commence, serve and lodge proposed findings of fact and conclusions of law.

CVR 54.1. Taxation of Costs.

(a) Application to the Clerk. Within thirty (30) days after the entry of a judgment allowing costs the prevailing party shall serve on the attorney for the adverse party and file with the clerk an application for the taxation of costs. The application shall be on a Bill of Costs form which shall be furnished by the Clerk of Court upon request. If an application for costs is received which is not on the appropriate form, the clerk shall promptly notify the party seeking costs, shall forward the correct form, and shall extend the time for filing the amended claim for a period not to exceed ten (10) days. The application shall contain an itemized schedule of the costs in a sworn statement signed by the attorney for the applicant that the schedule is correct, that the costs were necessarily incurred in the case, and that the services for which fees have been charged were actually and necessarily performed. The application shall be heard by the Clerk not less than eleven (11) nor more than sixteen (16) days after it is served, and written notice of the time of hearing shall be given to all parties by the Clerk of Court.

A failure to comply with this Rule waives the right to recover all costs, other than the clerk's costs, which may be inserted in the judgment without application. At the option of the Clerk, the hearing may be held by telephone conference call.

(b) Items Taxable as Costs.

(1) Filing fees. The clerk's filing fees.

(2) Fees for Service of Process. Fees for service of process (whether served by the Marshal or other persons authorized by Rule 4, Guam Rules of Civil Procedure.)

(3) Marshal's Fees – Other fees and charges paid to the Marshal pursuant to Guam law.

(4) Reporter's Transcripts. The cost of the original and one copy of all or any part of a trial transcript, daily transcript or a transcript of matters occurring before or after trial, if requested by the Court or prepared pursuant to stipulation.

(5) Depositions. Costs incurred in connection with taking depositions, including:

(A) the cost of the original and one copy of all depositions (including videotaped depositions) necessarily obtained for use in the case;

(B) if both video and stenographic depositions are taken, they both shall be allowed as costs if the video deposition is used at trial. If only the stenographic version is used at trial, the video shall not be allowed as a cost. If neither is used at trial, the

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cost of the less expensive deposition will be allowed so long as the deposition would have been recoverable. The cost of ASCII disks is recoverable.

(C) the reasonable fees of the deposition reporter, the notary, and any other persons required to report or transcribe depositions which were necessarily obtained for use in the case;

(D) reasonable witness fees paid to a deponent, including fees actually paid to an expert witness deponent pursuant to Rule 26(b)(4)(C), Guam Rules of Civil Procedure.

(E) reasonable fees paid to an interpreter when necessary to the taking of the deposition; and

(F) the cost of copying or reproducing exhibits used at the deposition and made a part of the deposition transcript.

(6) Witness Fees. Fees paid to witnesses, including:

(A) per diem, mileage, subsistence and attendance fees paid to witnesses subpoenaed and/or actually attending the proceeding;

(B) witness fees for a party if required to attend by opposing party; and

(C) witness fees for officers and employees of a corporation if they are not parties in their individual capacities.

(7) Interpreter's and Translator's Fees. Fees paid to interpreters and translators, including:

(A) The salaries, fees, expenses and costs of an interpreter; and,

(B) Fees for translation of documents received in evidence, used as part of the proceeding or when otherwise reasonably necessary to the preparation of the case.

(8) Docket Fees – The cost of generating a copy of the docket sheet or clerk's record.

(9) Masters, Commissioners, and Receivers. The reasonable fees and expenses of masters, commissioners, and receivers.

(10) Certification, Exemplification and Reproduction of Documents. Document preparation costs for documents necessarily obtained for use in the case, including:

(A) the cost of copies of an exhibit attached to a document necessarily served and filed;

(B) the cost of copies of documents admitted into evidence when the original is not available or the copy is substituted for the original at the request of an opposing party;

(C) fees for an official certification of proof respecting the non-existence of a document or record;

(D) notary fees incurred in notarizing a document when the cost of the document is taxable; and

(E) fees for necessary copies and necessary certification or exemplification of any documents.

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(11) Premiums on Undertakings and Bonds. Premiums paid on undertakings, bonds, security stipulations, or substitutes therefor where required by law, court order, or where necessary to enable a party to secure a right granted in the proceeding.

(12) Other Costs. Upon order of the Court, the following items may be taxed as costs:

(A) summaries, computations, polls, surveys, statistical comparisons, maps, charts, diagrams and other visual aids reasonably necessary to assist the jury or the Court in understanding the issues at the trial;

(B) photographs, if admitted in evidence or attached to documents necessarily served upon the opposing party and filed; and

(C) the cost of models if ordered by the Court in advance of or during trial.

(13) Costs on Appeal. Costs on appeal taxable in the Superior Court shall be governed by GRAP 22(e). Such costs bill is to be filed within fifteen (15) days of the filing and spreading of the mandate of the Supreme Court of Guam.

(14) Items of costs not specifically mentioned in this rule shall be taxed by the Clerk in accordance with the laws of Guam.

(c) Objections to Bill of Costs - Response. Any party may file and serve written objections to any item specified in a Bill of Costs. The grounds for objections shall be specifically stated. The objections shall be served and filed no later than five (5) days before the date noticed for the hearing. A written response may be served and filed no later than three (3) days before the date noticed for the hearing.

(d) Clerk's Determination - Finality. After considering any objections to the Bill of Costs and any responses thereto, the Clerk shall tax costs to be included in the judgment. The Clerk's determination shall be final unless modified by the Court upon review pursuant to subsection (e) hereof.

(e) Review of Clerk's Determination. A dissatisfied party may appeal to this Court upon written motion served within five (5) days of the Clerk's decision, as provided in GRCP Rule 54(d). The motion shall specify all objections to the Clerk's decision and the reasons for the objections. Appeals shall be heard upon the same papers and evidence submitted to the Clerk.

(f) Clerk's Duty. As soon as practicable after the taxation of costs becomes final, the Clerk shall insert the amount of costs taxed into the blank left in the taxation of costs form and the judgment, and shall enter a similar notation on the docket sheet.

(g) Writ of Execution for Costs. The clerk shall, upon request, issue a writ of execution to recover costs or attorney's fees included in the judgment:

(1) Upon presentation of a certified copy of the final judgment in the Superior Court; or

(2) Upon presentation of a mandate of the Supreme Court of Guam to recover costs taxed by the Supreme Court.

CVR 54.2. Sanctions for Late Notification of Settlement, Postponement or Other Disposition of Civil Jury Trial.

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Whenever any civil action scheduled for jury trial is required to be postponed, or settled or otherwise disposed of in advance of the actual trial, then, except for good cause shown, all juror costs shall be assessed equally against the parties and their counsel or otherwise assessed as directed by the Court, unless the Court and the Clerk's Office are notified at least one full business day prior to the day on which the action is scheduled for trial.

CVR 54.3. Filing Date for Attorney's Fees.

Any motion or application for attorney's fees shall be served and filed within fourteen (14) days after the entry of judgment or other final order, unless otherwise ordered by the Court. Such motions and their disposition shall be governed by CVR 7.1 and Rule 54(d)(2) of the Guam Rules of Civil Procedure.

CVR 56.1. Summary Judgment.

(a) Motion. Any motion for summary judgment must include:

(1) a statement of the issues to be decided by the court; and

(2) a "Statement of Undisputed Material Facts" with references to supporting material in the record.

(b) Response. Any response to a motion for summary judgment must include:

(1) a statement of the issues to be decided by the court if the nonmovant is dissatisfied with the movant's statement of the issues; and

(2) a response to the "Statement of Undisputed Material Facts," which may include a statement of material facts that demonstrate the existence of a genuine factual dispute to be tried, with references to supporting material in the record.

SOURCE: Adopted by Prom. Order No. PRM 06-06-18 (July 18, 2022).

2022 COMPILER NOTE: According to the Subcommittee on Civil Rules, the source of this new provision is E.D. Tex. Local Rule CV-56 (2021) and D. Mass. Local Rule 56.1 (2021).

CVR 58.1. Judgments.

(a) Judgment. The Judgment shall be set forth on a separate document as required by Rule 58, Guam Rules of Civil Procedure. The Judgment shall follow, as nearly as possible, Guam Rules of Civil Procedure Official Forms No. 31 or No. 32.

(b) Entry of Judgments and Orders.

(1) In all cases, the notations of judgments and orders in the civil docket by the clerk will be made at the earliest practicable time. The notations of judgment will not be delayed pending taxation of costs, but there may be inserted in the judgment a clause reserving jurisdiction to tax and apportion the costs by subsequent order.

(2) Orders under subdivision (a) of this Rule will be noted in the civil docket immediately after the clerk has signed them.

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(3) No judgment or order, except orders granted by the Clerk under Civil Rule 77.1 and judgments which the Clerk is authorized by the Guam Rules of Civil Procedure to enter without direction of the Court, will be noted in the civil docket until the clerk has received from the Court a specific direction to enter it. Unless the Court's direction is given to the clerk in open court and noted in the minutes, it should be evidenced by the judge's signature or initials on the judgment or order.

(4) Every order and judgment shall be filed in the Clerk's Office.

CVR 65.1. Temporary Restraining Orders and Preliminary Injunctions.

(a) Application for Temporary Restraining Order or Preliminary Injunction. An application for a temporary restraining order or preliminary injunction shall be made in a document separate from the complaint.

(b) Preliminary Injunctions. When a temporary restraining order ("TRO") is not sought, an application for a preliminary injunction shall be made by motion and not by order to show cause. When a TRO is sought, application for a preliminary injunction shall be made by order to show cause. If the TRO is granted, the hearing on the order to show cause will be set within ten (10) days after the entry of the TRO unless otherwise agreed by the parties. If the TRO is denied, the Court may set the hearing on the order to show cause re: preliminary injunction without regard to the requirements of CVR 7.1.

CVR 65.1.1. Bonds and Sureties.

(a) Security for Costs. On its own motion or a party's motion, the Court may order any party to file a bond for costs in an amount and under conditions designated by the Court. After the bond is filed, any opposing party may raise objections to its form or to the sufficiency of the surety for determination by the Clerk. If the bond is found to be insufficient, the Court may order the filing of a sufficient bond within a specified time. If the order is not complied with, the Clerk may enter dismissal of the action as in the case of dismissal for want of prosecution.

(b) Qualifications of Surety. Every bond for costs under these Rules must have as surety either

(1) a cash deposit, certified check or bank check equal to the amount of the bond or

(2) a corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds under Title 31 U.S.C. §§ 9301-9309, or

(3) two individual residents of Guam, each of whom owns real or personal property within Guam sufficient in value above encumbrances to justify the full amount of the suretyship, or

(4) any insurance, surety or bonding company licensed to do business in Guam.

(c) Court Officers as Surety. No clerk, marshal or other employee of the Court, nor any member of the bar representing a party in the particular action or proceeding, will be accepted as surety on any bond or other undertaking in any action or proceeding in this Court. Cash deposits on bonds may be made by members of the bar on certification that the funds are the property of a specified person who has signed as surety on the bond. Upon exoneration of the bond, such monies shall be returned to the owner and not to the attorney, unless the Court orders otherwise.

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(d) Suits by Indigent Persons. At the time an application is made, for leave to commence any civil proceeding without being required to prepay fees and costs or give security for them, the applicant shall file a written consent that the recovery, if any, in the proceeding, to the amount as the Court may direct, shall be paid to the clerk who may pay therefrom all unpaid fees and costs taxed against the plaintiff and, to plaintiff's attorney, the amount which the Court allows or approves as compensation for the attorney's services.

(e) Deposit of Money or United States Obligations in Lieu of Surety. In lieu of surety in any civil case, there may be deposited with the clerk of the Court lawful money or negotiable bonds or notes of the United States or certificates of deposit from federally-insured financial institutions. The depositor shall execute a suitable bond, and, if negotiable bonds or notes of the United States or certificates of deposit from federally-insured financial institutions are deposited, shall also execute the agreement required by 31 U.S.C. § 9303 or any other required agreement, authorizing the clerk to collect or sell the bonds, notes, or certificates of deposit in the event of default.

(f) Examination of Sureties. Any party may apply for an order requiring any opposing party to show cause why it should not be required to furnish further or different security, or requiring personal sureties to justify.

CVR 66.1. Receivers.

(a) Appointment of Receivers. Application for the appointment of a receiver may be made after the complaint has been filed and the summons issued.

(1) Temporary Receivers. A temporary receiver may be appointed without notice to the party sought to be subjected to a receivership in accordance with the requirements and limitations of the Guam Rules of Civil Procedure.

(2) Permanent Receivers. A permanent receiver may be appointed after notice and hearing upon an order to show cause. This order shall be issued by a judge upon appointment of a temporary receiver or upon application of the plaintiff and shall be served on all parties. The defendant shall provide the temporary receiver (or, if there is no temporary receiver, the plaintiff) within five (5) days, with a list of the defendant's creditors, and their addresses. Not less than five (5) days before the hearing, the temporary receiver (or, if none, the plaintiff) shall mail to the creditors listed, a notice of hearing, and file a proof of mailing.

(3) Bond. A judge may require any receiver appointed to furnish a bond in an amount which the judge deems reasonable.

(b) Employment of Experts. The receiver shall not employ an attorney, accountant or investigator without an order of a judge. The compensation of all such employees shall be fixed by the judge.

(c) Application for Fees. All applications for fees for services rendered in connection with a receivership shall be made by petition setting forth in reasonable detail the nature of the services and shall be heard in open court.

(d) Deposit of Funds. A receiver shall deposit all funds received in a depository designated by the judge, entitling the account with the name and number of the action. At the end of each

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month, the receiver shall deliver to the clerk a statement of account and the canceled checks.

(e) Reports. Within thirty (30) days of appointment, a permanent receiver shall file with the Court a verified report and petition for instructions. The petition shall be heard on ten (10) days notice to all known creditors and parties. The report shall contain a summary of the operations of the receiver, an inventory of the assets and their appraised value, a schedule of all receipts and disbursements, and a list of all creditors, their addresses and the amounts of their claims. The petition shall contain the receiver's recommendation as to the continuance of the receivership and reason for the recommendations. At the hearing, the judge shall determine whether the receivership shall be continued and, if so, the judge shall fix the time for future reports of the receiver.

(f) Notice of Hearings. The receiver shall give all interested parties at least ten (10) days notice of the time and place of hearings concerning:

- (1) Petitions for the payment of dividends to creditors;
- (2) Petitions for confirmation of sales of property;
- (3) Reports of the receiver;
- (4) Applications for fees of the receiver or of any attorney, accountant or investigator, the notice to state the services performed and the fee requested; and,
- (5) Applications for discharge of the receiver.

CVR 67.1. Deposit in Court.

See General Rule 8.1.

CVR 77.1. Orders Grantable by Clerk.

The Clerk of Court is authorized to grant, sign, and enter the following orders without further direction by the Court. Any orders so entered may be suspended, altered, or rescinded by the Court for cause shown:

- (a) Orders on consent satisfying a judgment or an order for the payment of money;
- (b) Orders entering judgments on verdicts or decisions of the Court in circumstances authorized in Rule 58, Guam Rules of Civil Procedure, and orders entering defaults for failure to plead or otherwise defend, in accordance with Rule 55, Guam Rules of Civil Procedure;
- (c) Any other orders which pursuant to Rule 77(c) of the Guam Rules of Civil Procedure, do not require allowance or order of the Court.

CVR 77.2. Clerk of Court.

See General Rule 7.1.

CVR 79.1. Custody and Disposition of Exhibits and Transcripts.

(a) Custody. Every exhibit offered in evidence, including depositions and transcripts, shall be held in the custody of the clerk of this Court. Unless reason exists for retaining originals, the judge will, upon application, order them returned to the party to whom they belong upon the filing of copies thereof approved by counsel for all parties concerned.

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(b) Delivery to Person Entitled in Civil Cases. In all civil cases in which final judgment has been entered and the time has expired for filing a motion for new trial, a motion for rehearing or a notice of appeal, any party or person may withdraw any exhibit, deposition, or transcript of testimony originally produced by him, without court order, upon ten (10) days written notice to all parties, unless within that time another party or person files notice of claim thereto with the clerk. In the event of competing claims, the Court shall determine the person entitled and order delivery accordingly. For good cause shown, the Court may allow withdrawal or determine competing claims in advance of the time above specified.

(c) Unclaimed Exhibits in Civil Cases. If exhibits, depositions or transcripts of testimony in civil cases are not withdrawn within twenty (20) days after the time when notice may first be given under subdivision (b) of this Rule, the clerk shall give notice to the parties to claim the same. If the parties do not withdraw such exhibits, depositions and transcripts of testimony within forty (40) days after notice by the clerk to claim the same, the clerk may destroy them in accordance with Title 6 GCA § 4307 or make other disposition as he sees fit.

Emergency Telephone Numbers. When counsel urgently need action or assistance and cannot wait for normal business hours, counsel may contact the Clerk of Court at 635-0964.

APPENDIX OF FORMS

CVR 7.1 Form 1	Notice of Motion and Motion / Briefing Schedule / Certificate of Service
CVR 7.1 Form 2	Statement re Oral Argument on Pending Motion
CVR 7.1 Form 3	Notice of Hearing or Submission on Briefs
CVR 7.1 Form 4	Application to Shorten Time; Order
CVR 7.1 Form 5	Application <i>Ex Parte</i> Relief; Order
CVR 16.1 Form 1	Scheduling Notice
CVR 16.1 Form 2	Proposed Scheduling Order
CVR 16.1 Form 3	Discovery Plan and Proposed Order
CVR 54.1	Bill of Costs

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In the Superior Court of Guam

Plaintiff(s)

Case No.

V.

Defendant(s)

CVR 7.1 FORM 1

And any related claims and parties.

NOTICE OF MOTION and MOTION

Please take notice that

hereby move(s) the court for an Order granting the following relief:

Movant(s)

Relief Sought
Oral Argument is requested: Yes ____ No ____ Unknown at this time ____

BRIEFING SCHEDULE

Pursuant to CVR 7.1(b) and (d)(1)-(3), or order of this court, or stipulation filed with the court, the respective briefs of the parties on the motion must be filed and served as follows:

Opening brief due:

Normally the date of filing of this Notice

Opposition brief due:

Normally 28 days after above date

Reply brief (if any) due:

Normally 42 days from the filing of the motion

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he or she has caused, or within one business day of filing, shall cause this notice, together with any and all accompanying documents and supporting memoranda relative to the subject motion, to be served upon all parties who have appeared herein, through counsel of record, pursuant to Guam Rule Civil Procedure Rule 5.

RESPECTFULLY SUBMITTED this ____ day of _____, 20__.

Movant(s)	
	Attorney's Signature
Attorney	

LOCAL RULES OF THE
SUPERIOR COURT OF GUAM

In the Superior Court of Guam

--

Plaintiff(s)

v.

--

Defendant(s)

Case No.

CVR 7.1 FORM 2

And any related claims and parties.

STATEMENT RE: ORAL ARGUMENT ON PENDING MOTION

[To be filed no later than seven (7) days after filing of the last brief on the subject motion or after the time for such filing has elapsed.]

On

--

--

Movant(s)

filed a motion for an order granting the following relief:

Relief Sought

With respect to said motion, the undersigned hereby:

☐

Requests oral argument on the motion.

☐

The parties have agreed that the motion should be heard on or about:

--

Parties' proposed hearing date

☐

The parties either have not agreed on a hearing date or have not discussed the matter.

☐

Represents that oral argument on the motion is unnecessary.

RESPECTFULLY SUBMITTED this ____ day of _____, 20__.

Party	
Attorney	Attorney's Signature

In the Superior Court of Guam

Case No.

Defendant(s)

And any related claims and parties.

On , Movant(s)
filed a motion for an order granting the following relief:

Relief Sought

Oral argument is set before the court at the following date and time:

☐ The court has determined that oral argument is unnecessary.

DATED this _____ day of _____, 20__.

Clerk/Deputy Clerk	
Judge	Signature

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address):

TELEPHONE NO.:

EMAIL ADDRESS:

ATTORNEY FOR (NAME):

In the Superior Court of Guam

Plaintiff(s)

Case No.

v.

Defendant(s)

CVR 7.1 FORM 4

APPLICATION TO SHORTEN TIME; ORDER

1. I am applying to shorten time on the following motion, application, or requested relief:

2. Reason(s) necessary to shorten time:

3. Name of opposing parties (or attorneys), or if there are no opposing parties, the name of interested parties entitled to notice as required by law:

--

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

4. NOTICE *(Note: If opposing/interested parties HAVE NOT BEEN GIVEN NOTICE, this CVR 7.1 FORM 4 is NOT APPLICABLE. You must use CVR 7.1 FORM 5 "APPLICATION FOR EX PARTE RELIEF"):*

- ☐ The opposing (or interested) parties were notified of the relief requested; and I hereby certify that I will notify the opposing (or interested) parties of the hearing date and time as scheduled by the Court.

Notice was given to: _____

Notification occurred on *(date)*: _____ at *(time)* _____ .m.

Manner of notification: _____

5. AGREEMENT OR OPPOSITION OF OPPOSING (OR INTERESTED) PARTIES:

- ☐ The opposing (or interested) parties agree to shorten time on the moving party's *(insert name of motion, application, or requested relief listed in Section I.)*:

--

- ☐ The opposing (or interested) parties oppose the application to shorten time for the following reasons:

- ☐ The opposing (or interested) parties did not respond to notice of the application to shorten time or the parties have otherwise not discussed whether this application is opposed or unopposed.

I declare under penalty of perjury under the laws of Guam that the above information and all attachments are true and correct.

Date: _____

Signature: _____

Printed Name: _____

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

ORDER

☐ Oral argument on the application to shorten time is set before the Court at the following date and time:

_____ at _____ .m.
Oppositions to the application to shorten time must be filed by _____
at _____ .m.

Replies to any oppositions must be filed by _____ at _____ .m.

OR

The Court hereby: ☐ GRANTS ☐ DENIES the application to shorten time for the following reasons:

The hearing on the moving party's *(insert name of motion, application, or requested relief listed in Section I.)*:

_____ shall be held on
_____ at _____ .m.

Oppositions to the _____ must be filed by
_____ at _____ .m.

Replies to any oppositions must be filed by _____ at _____ .m.

SO ORDERED:

HONORABLE
Judge, Superior Court of Guam

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address):

TELEPHONE NO.:

EMAIL ADDRESS:

ATTORNEY FOR (NAME):

In the Superior Court of Guam

Plaintiff(s)

Case No.

v.

Defendant(s)

CVR 7.1 FORM 5

APPLICATION *EX PARTE* RELIEF; ORDER

1. Type of relief requested:

2. Explain **in detail** the reason(s) *ex parte* relief is necessary (e.g., notice of the application for ex parte relief would frustrate the purpose of the order sought, or applicant would suffer immediate and irreparable harm before the matter can be heard on notice):

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

NOTE: IF NOTICE HAS BEEN GIVEN TO OPPOSING OR INTERESTED PARTIES, THIS CVR 7.1 FORM 5 IS NOT APPLICABLE. SEE CVR 7.1 FORM 4 "APPLICATION TO SHORTEN TIME."

3. Name of opposing parties (or attorneys), of if there are no opposing parties, the name of interested parties entitled to notice as required by law:

4. **MEMORANDUM OF POINTS AND AUTHORITIES:**

- ☐ I hereby certify that I have attached the Memorandum of Points and Authorities as required by CVR 7.1(k)(2)(B).

5. **PROPOSED ORDER:**

- ☐ I hereby certify that I have attached the proposed order granting relief requested as required by CVR 7.1(k)(2)(E).

6. **STATEMENT REGARDING EXPEDITED BASIS:**

- ☐ I believe it is necessary for this application for *ex parte* to be heard on an expedited basis or earlier than the regular time permitted or required by these Civil Rules of Court or the Guam Rules of Civil Procedure for the following reasons:

- ☐ It is not necessary for this application for *ex parte* relief to be hard on an expedited basis or earlier than the regular time permitted or required by these Civil Rules of Court or the Guam Rules of Civil Procedure

I declare under penalty of perjury under the laws of Guam that the above information and all attachments are true and correct.

Date: _____

Signature: _____

Printed Name: _____

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

ORDER

The Court hereby: ☐ GRANTS ☐ DENIES the application to hear the matter *ex parte* for the following reasons:

The Court hereby: ☐ GRANTS ☐ DENIES the request to hear the matter on an expedited basis for the following reasons:

The hearing on the matter shall be held on _____ at ____m.

SO ORDERED:

HONORABLE
Judge, Superior Court of Guam

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

IN THE SUPERIOR COURT OF GUAM

)	Superior Court Case No. _____
)	
)	
Plaintiff,)	
)	
vs.)	CVR 16.1 FORM 1
)	
)	
)	
Defendant.)	
_____)	

SCHEDULING NOTICE

The Civil Rules (“CVR”) establish procedures for complying with Rules 16(b) and 26(f) of the Guam Rules of Civil Procedure (“GRCP”). Counsel should study the Civil Rules before attempting to process cases in this court.

PURSUANT TO CVR 16.1 AND 16.2, IT IS HEREBY ORDERED THAT:

(1) Counsel of record and all pro se litigants that have appeared in the case must meet and confer, within fifteen (15) days after receipt of this Notice, but no later than sixty (60) days after the filing of the complaint, prior to commencing discovery.

(2) A proposed Scheduling Order and a proposed Discovery Plan shall be filed on or before the ____ day of _____, 20___. Careful and immediate attention should be given to the directions in CVR 16.1 and 16.2 to ensure complete and timely compliance with GRCP Rules 16(b) and 26(f), and the Local Rules.

(3) Plaintiff’s counsel, or if the plaintiff is pro se, then the pro se plaintiff, must take the lead in the preparation of the Scheduling Order. If a defendant is not contacted by a pro se plaintiff within the required time frame, the defendant shall contact the pro se plaintiff and arrange a meeting to comply with this Rule in the appropriate time frame. The failure of a party

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

or its counsel to participate in good faith in the framing of a Scheduling Order may result in the imposition of sanctions.

(4) Counsel of record and all pro se litigants that have appeared in the case are jointly responsible for submitting a Proposed Discovery Plan to the Court.

(5) A Scheduling Conference shall be held on the ____ day of _____, 20____,
at __: __.m.

(6) Counsel are reminded that the filing of motions does not postpone discovery.

Dated this _____ day of _____, 20____.

DANIELLE T. ROSETE
Clerk of Court

By: _____
Deputy Clerk

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

IN THE SUPERIOR COURT OF GUAM

)	Superior Court Case No. _____
)	
)	
Plaintiff,)	
)	CVR 16.1 FORM 2
vs.)	
)	
)	
)	
Defendant.)	
_____)	

PROPOSED SCHEDULING ORDER

TRIAL

The court shall set trial no later than _____. *See* CVR 16.1(c)(4)(D)(viii) (unless otherwise ordered by the court, “in no event shall the trial date be later than fifteen (15) months after the complaint is filed.”).

Bench trial/Trial by jury shall be scheduled for _____ at _____.m.

Estimated duration of trial: _____.

The nature of the case: _____

The names of counsel in this case are: _____

SCHEDULING CONFERENCE

Scheduling Conference is scheduled for _____ at _____.m.

MOTIONS

(1) Motions to join other parties shall be filed no later than _____ and motions to otherwise amend pleadings shall be filed no later than _____. Thereafter, parties may be joined and/or pleadings amended only upon leave of court and for good cause shown.

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(2) All motions under the discovery rules shall be filed no later than _____.

(3) Dispositive motions shall be filed no later than _____.

MEDIATION/ADR

(1) ____ Counsel have informed their clients of the availability of mediation as required under Miscellaneous Rule MR 4.1.6 of the Local Rules of the Superior Court of Guam and counsel have filed the required MR Form 4.1 B1 “Mediation Certification.”

(2) ____ The parties have agreed to mediation, either voluntarily under 7 GCA Chapter 43A or as ordered to do so by the court under Miscellaneous Rule MR 4.1.6 of the Local Rules of the Superior Court of Guam.

(3) ____ The parties have attempted Alternative Dispute Resolution under 7 GCA Chapters 42A or 42B.

____ The parties have not attempted Alternative Dispute Resolution and do not intend to.

____ The parties have not attempted Alternative Dispute Resolution but may do so in the future.

FURTHER PRE-TRIAL PROCEEDINGS

(1) The Pretrial Conference shall be held on the ____ day of _____, at _____.m.

(2) Trial brief:

(a) ____ The court orders each party to file a trial brief no later than _____.

(b) ____ The court does not require the parties to file a trial brief.

(3) The following documents shall be filed or lodged by _____ (usually no later than fourteen (14) days prior to trial:

(a) Witness lists

(b) Exhibit lists

(c) Discovery Material Designations

(d) Proposed Jury Instructions

(e) Proposed Voir Dire Questions

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SUPERIOR COURT OF GUAM**

(f) Proposed Forms of Verdicts

(4) Discuss prospects for settlement: _____

(5) Discuss any suggestions for shortening trial: _____

Dated: _____.

Plaintiff

Defendant

SO ORDERED: _____.

Judge, Superior Court of Guam

LOCAL RULES OF THE
SUPERIOR COURT OF GUAM

IN THE SUPERIOR COURT OF GUAM

)	Superior Court Case No. _____
)	
)	
Plaintiff,)	
)	CVR 16.1 FORM 3
vs.)	
)	
)	
Defendant.)	
_____)	

DISCOVERY PLAN AND PROPOSED ORDER

(1) Unless required in support of a motion or by order of the court, discovery documents are not to be filed with the court.

(2) The following matters will affect the status or management of the case: _____

(3) In accordance with Guam Rules of Civil Procedure (“GRCP”) Rule 26(f) and CVR 16.2, the parties:

(a) ____ Have met and conferred on ____ day of _____, at _____.m., attended by: _____

(b) ____ Parties have not conferred because: _____

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

but plan to meet and confer on ____ day of _____, at _____.m.

(4) Initial disclosures, as required by GRCP 26(a)(1), will be exchanged by: _____
_____. (GRCP 26(a)(1) generally requires exchange within 14 days of the
GRCP 26(f) conference.)

(5) Expert witness disclosures in accordance with GRCP 26(a)(2) must be made on or
before _____ (in the absence of a court order or stipulation by the parties, GRCP
26(a)(2)(C) requires disclosure at least 90 days before trial, or 30 days after initial disclosure if
offered for rebuttal).

(6) Pursuant to GRCP 26(a)(3), each party shall serve and file, on or before
_____, pretrial disclosures which, unless otherwise specifically stated, must include
expert as well as lay witnesses. Unless solely for impeachment, only those witnesses so
disclosed will be permitted to testify at trial. (GRCP 26(a)(3) generally requires disclosure at
least 30 days before trial).

(7) Limits on discovery

The limitations on discovery in accordance with GRCP 26(b) shall apply, except:

(8) The following is a description and schedule of all pretrial discovery each party intends
to initiate prior to the close of discovery:

//

//

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

Plaintiff:

Defendant:

Plaintiff

Defendant

SO ORDERED: _____.

Judge, Superior Court of Guam

LOCAL RULES OF THE
SUPERIOR COURT OF GUAM

ATTACHMENT “CVR 54.1”

IN THE SUPERIOR COURT OF GUAM

)	Case No. _____
)	
Plaintiff(s),)	
)	
vs.)	BILL OF COSTS
)	
)	
Defendant(s))	
_____)	

Judgment having been entered in the above-entitled action on _____, 200____
against _____, the Clerk of the Superior Court of Guam is requested to
tax the following as costs:

BILL OF COSTS

FILING FEES:	\$ _____
Complaint	\$ _____
Summons	\$ _____
Subpoena	\$ _____
Other Clerk’s Fees	\$ _____
MARSHAL’S FEES:	\$ _____
Service of Summons/Subpoenas	\$ _____
Mileage	\$ _____
Other Marshal’s costs	\$ _____
COURT TRANSCRIBER’S FEES:	\$ _____
Other Transcriber’s fees	\$ _____
WITNESS FEES:	\$ _____
Other Witness fees	\$ _____
INTERPRETER’S FEES:	\$ _____
Other Interpreter’s fees	\$ _____

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SUPERIOR COURT OF GUAM**

ATTORNEY'S APPEARANCE FEE: \$ _____
OTHER COSTS (Please itemize): \$ _____
TOTAL COSTS TO BE TAXED: \$ _____

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which have been charged were actually and necessarily performed. A copy of this Bill of Costs was served on _____ on _____, at _____ .m.

Executed this _____ day of _____, 200____.

CLAIMING PARTY
(Print name and Sign)